

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

MITCHELL PRUST,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:09-cv-92
)	
APPLE INC.,)	
)	
Defendant.)	JURY TRIAL DEMANDED
)	

**DECLARATION OF JONI B. REICHER IN SUPPORT OF APPLE INC.'S
REPLY BRIEF IN SUPPORT OF ITS MOTION TO TRANSFER VENUE**

I, Joni B. Reicher do hereby declare as follows:

1. I am employed as a Senior Director in Human Resources at Apple Inc. ("Apple") in Cupertino, California. I have been employed by Apple since July 2002. I provide this declaration in support of Apple's reply brief in support of its motion to transfer this case from the Eastern District of Texas to the Northern District of California. Unless otherwise indicated below, the statements in this declaration are based upon my personal knowledge or corporate records maintained by Apple in the ordinary course of business.
2. My original declaration filed on June 19, 2009, in support of Apple's motion to transfer this case to the Northern District of California, was based on the very limited description of what products and services might be implicated in this lawsuit and the information that Apple had gathered to date. I understand that in his opposition to Apple's motion to transfer filed on July 11, 2009, Mr. Prust alleges for the first time that that "Apple's 'MobileMe' and 'iTunes' products" are based upon or incorporate his inventions.

3. Apple has approximately 7,800 employees who work in its headquarters in Cupertino, many of whom are involved on projects relating to these products.

4. The research, design, and development for each of these products took place in Cupertino. Virtually all Apple business documents and records relating to the research, design, and development for, and product revenue from, these products are similarly located in Cupertino. Technical, financial and sales related documents pertaining to MobileMe and iTunes are examples of documents that are located in Northern California. The decisions regarding marketing, sales, and pricing of these products occurred in Cupertino. Every foreseeable Apple witness regarding these products resides in or near Cupertino.

5. Based on the new information provided by Mr. Prust and the information that Apple has gathered to date, I understand that the following additional current employees may have relevant knowledge about the development of the accused products:

Employee Name	Location	Title/Department
Max Mueller	Cupertino, California	iTunes Store
Dave Heller	Cupertino, California	iTunes

6. I am aware that Apple has employees outside the Northern District of California, including several who work in Austin, Texas. None of Apple's employees in Austin, or any other city in Texas, has or had any responsibility related to the research, design, or development of any Apple product or service that might be accused of infringement in this case.

7. Apple's corporate headquarters is located in Cupertino. Employees in Cupertino include those working in Engineering, Marketing, Sales, and AppleCare, among others.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this ___23___ day of July, 2009 at Cupertino, California.



Joni B. Reicher

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a) on July 24, 2009. As such, this document was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A).

_____/s/Eric M. Albritton

Eric M. Albritton